

REMARKS

Claims 1-2 and 3-21 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claim 5-9 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Liao (5,829,499) in further view of Stutzman (753,528). This rejection is respectfully traversed.

To establish a prima facie case of obviousness, the Examiner must consider and evaluate four factors: (a) the level of ordinary skill in the pertinent art; (b) the scope and content of the prior art; (c) the differences between the prior art and the claims; and (d) secondary considerations, such as commercial success, long felt need, and failure of others. KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1734 (2007) (citing Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966)); see also M.P.E.P. § 2141. KSR did not disturb the well-established principle that, for a prima facie case of obviousness, each and every limitation of the claim must be taught or suggested by the cited references. M.P.E.P. § 2143.03 (citing In re Royka, 490 F.2d 981 (C.C.P.A. 1974)). KSR also reiterates that “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.” KSR, 127 S. Ct. at 1737.

Regarding the requirement for a prima facie case of obviousness, each and every limitation of the claim must be taught or suggested by the cited references, Applicants note that claim 5, as amended, includes the following limitation: “wherein the main body has a substantially

triangular cross-section, each side of the main body being substantially straight, and each knife is disposed on one side of the main body.” Neither Welsh, Liao, or Stutzman teach, disclose, or suggest a cutterhead having a main body with a substantially triangular cross-section where each side of the main body is substantially straight and where each knife is disposed on one side of the main body. As indicated by the Examiner, neither Welsh or Liao discuss the use of a three knife cutterhead. Furthermore, Stutzman, although teaching a cutterhead having a triangular cross-section, does not teach, disclose, or suggest a cutterhead with a main body having a substantially triangular cross-section where each side of the main body is substantially straight. Instead, Stutzman teaches away from such a cutterhead as indicated in the specification in column 1, lines 23-28, where Stutzman states that “the curve of the knife and the curve of the knife seat are formed on a true circle, and the knife-blade will fit the curve seat closely throughout its extent and in all positions to which it may be adjusted.”

Thus, the Welsh/Liao/Stutzman patent combination cannot render claim 5 and its dependent claims unpatentable.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 5-9 and 21 under 35 U.S.C. § 103(a).

ALLOWED SUBJECT MATTER

Applicants appreciate the Examiner’s indication that claims 1, 2, 4, and 10-20 are allowed.

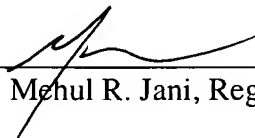
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 821-1641.

The Commissioner is authorized to charge payment of any fees due in the processing of this amendment, or credit any overpayments to Deposit Account No. 02-248.

Respectfully submitted,

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